

Zoning Board of Appeals Meeting Minutes 4-21-16

Pursuant to notice duly filed with the Town Clerk, a public meeting of the Board of Appeals was held on Thursday April 21, 2016 at 7:30 p.m. in the Harvey Wheeler Community Center, 1276 Main Street, Concord, Massachusetts.

PRESENT:

Members:

Robert Sepucha, Chair

Stuart Freeland

James Smith

Elizabeth Akehurst-Moore

John Minty, Building Commissioner

Elizabeth Hughes, Town Planner

Chair Sepucha called the meeting to order at 7:30 p.m.

Mattworks LLC on behalf of Todd Griffith, for a Special Permit, under Sections 7.1.2, 7.1.3, 7.1.5, and 11.6, to reconstruct, extend, alter, or change a non-conforming structure, so that the new structure is more than fifty percent greater than the gross floor area of the existing structure, for addition at 269 Sudbury Road (Parcel # 0377)

Chairman Sepucha opened the continued public hearing.

Applicant Matthew Hall of Mattworks LCC and property owner Todd Griffith appeared for the hearing. Mr. Hall gave an update on the project status since the last meeting and the site visit. He presented a photo street view rendering to show the existing homes along Sudbury Road. Mr. Hall informed the Board that upon investigation of the existing foundation, it was determined there is no foundation frost walls and detailed how excavation through the existing concrete pad for footings would be accomplished.

Chairman Sepucha asked for comments from the audience and there was none.

Chairman Sepucha asked the Building Commissioner if he had any issues or concerns. Mr. Minty stated his initial concerns were with the foundation, which the Applicant has addressed.

Chairman Sepucha acknowledged receipt of a letter from Electa Tritsch of Heaths Bridge Road in opposition to the project due to the historical nature of the "Victory Homes" after the War.

The Board thanked Mr. Hall for the photo street view and putting up the story pole for the site visit, stating both were very helpful. The Chair noted that the architectural style of the proposed house was different, but there are smaller and larger homes in the neighborhood and the proposed house was not substantially detrimental to the neighborhood.

Mr. Freeland moved to grant to the Applicant, Mattworks LLC, a Special Permit to reconstruct, extend, alter, or change a non-conforming structure, so that the new structure is more than fifty percent greater than the gross floor area of the existing structure. Mr. Brady seconded. All VOTED in favor.

Jon O'Keefe, for a Special Permit, under Sections 7.1.2, 7.1.3, 7.1.5, and 11.6, to reconstruct, extend, alter, or change a non-conforming structure, so that the new structure is more than fifty percent greater than the gross floor area of the existing structure, for addition at 21 Wilson Road (Parcel # 3913)

Jon O'Keefe reviewed the details of the Application with the Board and explained the reason for excavating the basement so that it has a ceiling height greater than 6'8".

Chairman Sepucha asked for comments from the audience and there was none.

Chairman Sepucha asked if the Building Commissioner had any issues or concerns. Mr. Minty explained that the Applicant has a building permit for the addition and did not come before the Board because the ceiling height in the basement was less than 6'8" and could not be used as habitable space. This allowed the building permit to be issued because the addition was less than 50% greater than the existing dwelling. Mr. Minty noted that with the higher ceiling height in the basement, the addition was a little over 800 sf over the 50% increase and the reason for the Special Permit.

Mr. Smith questioned the process of getting a building permit without needing a Special Permit and now needing a Special Permit. Mr. Minty informed the Board that a property owner could get a building permit for an addition that is only 49% greater, get a Certificate of Occupancy and then get another building permit for another addition that is only 49% greater, all without needing a Special Permit. Mr. Smith thought this was likely a loop hole in the Bylaw.

Mr. Freeland moved to grant to the Applicant, Jon O'Keefe, a Special Permit to reconstruct, extend, alter, or change a non-conforming structure, so that the new structure is more than fifty percent greater than the gross floor area of the existing structure because the excavation of the basement was not substantially detrimental to the neighborhood. Mr. Smith seconded. All VOTED in favor.

Elizabeth Akehurst-Moore recused herself from the next agenda item due to a conflict of interest.

Milltarry Offices Registered, LLP for a Special Permit and Site Plan Approval, under Sections 7.7.2.4, 7.7.2.12, 7.7.3.13, 11.6, and 11.8, for the construction of a 15,062 sq. ft. market and additional relief from the parking requirements for up to 52 spaces for a total of 88 spaces at 91-97 Lowell Road & 105 Keyes Road (Parcels # 1685-CD, 1683-CD, & 1682-2)

Chairman Sepucha opened the public hearing and acknowledged the receipt from the Applicant a request for a continuance. Mr. Brady moved to continue the public hearing to 7:30 pm on June 9, 2016. Mr. Freeland seconded the motion. All **VOTED** in favor.

Other Business:

- *Approval of Minutes for 2/18/16 Meeting*

Mr. Smith moved to APPROVE the minutes as written for February 18, 2016. Mr. Freeland seconded the motion. All **VOTED** in favor.

- *Approval of Minutes for 3/10/16 Meeting*

Mr. Freeland moved to APPROVE the minutes as written for March 10, 2016. Mr. Smith seconded the motion. All **VOTED** in favor.

There being no further business, the meeting was adjourned at 7:55 p.m. on a motion by Mr. Smith. Mr. Freeland seconded. All **VOTED** in favor.